

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY

HAROLD PIATT,

PLAINTIFF,

V.

CITY OF AUSTIN,

TOBY FUTRELL, IN HER OFFICIAL

CAPACITY AS CITY MANAGER

OF THE CITY OF AUSTIN,

STANLEY L. KNEE, IN HIS OFFICIAL

CAPACITY AS POLICE CHIEF OF

THE CITY OF AUSTIN AND IN HIS

INDIVIDUAL CAPACITY, AND

ART ACEVEDO, IN HIS OFFICIAL

CAPACITY AS POLICE CHIEF

OF THE CITY OF AUSTIN,

DEFENDANTS.

CAUSE NO. A-07-CA-520-LY

**FINAL JUDGMENT**

BE IT REMEMBERED that on September 13, 2010, the Court called the above styled and numbered cause for bench trial. The parties announced they were ready, the trial proceeded and on September 14, at the close of Plaintiff Harold Piatt's case in chief, Defendants moved for judgment as a matter of law, which the Court denied without prejudice. Trial continued, and on September 15, at the close of Defendants' case in chief, Defendants again moved for judgment as a matter of law, which the Court denied.

On this date, by separate Memorandum Opinion and Order, the Court held that Defendants prevailed on their mixed-motives defense to Piatt's race-discrimination action. Further the Court held that Piatt should take nothing on his claims against Defendant Stanley L. Knee, in his individual capacity, and against Defendant City of Austin. Previously, on December 2, 2008, the Court held

that Piatt take nothing on his claims against Defendant Toby Futrell in her individual capacity (Clerk's Document No. 68).

As all matters have been resolved in this action, the Court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

**IT IS ORDERED** that as Defendants have prevailed on a mixed-motives defense to Plaintiff Harold Piatt's race-discrimination claim under Title VII of the 1964 Civil Rights Act, as amended, Piatt shall recover from Defendants his attorney's fees and costs demonstrated to be directly attributable only to the pursuit of his claim under Title 42 United States Code section 2000e-2(m).

**IT IS FURTHER ORDERED** that Plaintiff Harold Piatt **TAKE NOTHING** by his action against Defendant Toby Futrell in her individual capacity.

**IT IS FURTHER ORDERED** that Plaintiff Harold Piatt **TAKE NOTHING** by his action against Defendant Stanley Knee in his individual capacity pursuant to Title 42 United States Code section 1983.

**IT IS FURTHER ORDERED** that Plaintiff Harold Piatt **TAKE NOTHING** by his action against Defendant the City of Austin pursuant to Title 42 United States Code section 1983.

**IT IS FURTHER ORDERED** that remaining issues regarding costs and attorney's fees incurred in this action will be determined post judgment and pursuant to Rule CV-7(i), Local Rules of the United States District Court for the Western District of Texas.

**IT IS FURTHER ORDERED** that all relief not expressly granted is hereby **DENIED**.

**IT IS FINALLY ORDERED** that the case is hereby **CLOSED**.

SIGNED this 30th day of September, 2010.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE